

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

JOHN M. KURZ, )  
 )  
 Plaintiff, )  
 )  
 v. ) ) No. 4:19-CV-310 CAS  
 )  
 UNITED STATES OF AMERICA, )  
 )  
 Defendant. )

**MEMORANDUM AND ORDER**

Before the Court is plaintiff's motion to proceed in forma pauperis on appeal, as well as his motion for appointment of counsel on appeal. After review of plaintiff's financial information, the Court will grant plaintiff's motion to proceed in forma pauperis on appeal. Plaintiff's motion for appointment of standby counsel on appeal, however, will be denied.

There is no constitutional or statutory right to appointed counsel in civil cases. Nelson v. Redfield Lithograph Printing, 728 F.2d 1003, 1004 (8th Cir. 1984). In determining whether to appoint counsel, the Court considers several factors, including (1) whether the plaintiff has presented non-frivolous allegations supporting his or her prayer for relief; (2) whether the plaintiff will substantially benefit from the appointment of counsel; (3) whether there is a need to further investigate and present the facts related to the plaintiff's allegations; and (4) whether the factual and legal issues presented by the action are complex. See Johnson v. Williams, 788 F.2d 1319, 1322-23 (8th Cir. 1986); Nelson, 728 F.2d at 1005.

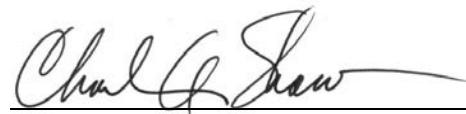
The Court dismissed the present action for lack of subject matter jurisdiction on August 13, 2019. Plaintiff is not entitled to appointment of counsel on appeal, and the Court does not

believe he will be able to present meritorious allegations supporting his prayer for relief. As such, plaintiff's motion for appointment of counsel on appeal will be denied.

Accordingly,

**IT IS HEREBY ORDERED** plaintiff's motion for leave to proceed in forma pauperis on appeal is **GRANTED**. [Doc. 51]

**IT IS FURTHER ORDERED** that plaintiff's motion for appointment of counsel on appeal is **DENIED**. [Doc. 50]



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CHARLES A. SHAW  
UNITED STATES DISTRICT JUDGE

Dated this 15th day of October, 2019.